IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

WP(C).No. 25787 of 2007(T)

OA.166/2002 of DEBT RECOVERY TRIBUNAL, ERNAKULAM
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PETITIONER:
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1. C.M.ABDUL KHADER
S/O. MEERANKUTTY RAWTHER, PROPRIETOR,
M/S.C.M.A. RICE MILL, CHERRANADU,
ERIMAYUR, PALAKKAD.

2. C.M.ABDUL KHADER,
S/O. MEERANKUTTY RAWTHER, CHERRANADU,
ERIMAYUR, PALAKKAD.

3. C.M.MUSTAFA,
S/O. MEERANKUTTY RAWTHER, CHERRANADU,
ERIMAYUR, PALAKKAD.

4. C.M.UMMER,
S/O. MEERANKUTTY RAWTHER, CHERRANADU,
ERIMAYUR, PALAKKAD.

BY ADV. SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA

RESPONDENTS:

STATE BANK OF INDIA,
AGRICULTURAL DEVELOPMENT BRANCH,
SHOBHA COMPLEX,PALAKKAD-678 001.

BY ADV. SHRI.K.K.CHANDRAN PILLA, SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE NOTICE ISSUED BY THE DISTRICT LEGAL AUTHORITY TO THE PETITIONERS.

P2 : COPY OF LETTER DATED 04/04/2005 ISSUED BY THE RESPONDENT BANK TO THE 1ST PETITIONER.

P3 : COPY OF THE REPRESENTATION SUBMITTED BY THE 1ST PETITIONER BEFORE THE RESPONDENT BANK ON 14/05/2005.

P4 : COPY OF COMMUNICATION ISSUED BY THE RESPONDENT BANK ON 22/06/2005 TO 1ST PETITIONER.

P5 : COPY OF COMMUNICATION ISSUED BY THE RESPONDENT BANK ON 19/08/2005 TO 1ST PETITIONER.

P6 : COPY OF COMMUNICATION ISSUED BY RESPONDENT BANK ON 23/09/2005 TO 1ST PETITIONER.

P7 : COPIES OF RECEIPTS ISSUED BY RESPONDENT BANK TO 1ST PETITIONER DATED 04/10/2005 AND 15/12/2005.

P8 : COPY OF REPRESENTATION SUBMITTED BY 1ST PETITIONER TO THE RESPONDENT BANK ON 06/03/2006.

P9 : COPY OF LETTER DATED 13/03/2006 ISSUED BY RESPONDENT BANK TO THE 1ST PETITIONER.

P10 : COPY OF ORDER DATED 09/08/2006 IN O.A.NO.166/2002 OF THE HON'BLE DEBTS RECOVERY TRIBUNAL, ERNAKULAM.

P11 : COPY OF THE AFFIDAVIT IN SUPPORT OF I.A.NO.1598/2006 IN O.A.NO. 166/2002.

P12 : COPY OF ORDER DATED 27/06/2007 IN I.A.NO.1598/06 IN O.A.NO. 166/2002 OF THE HON'BLE DEBTS RECOVERY TRIBUNAL, ERNAKULAM.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 25787 of 2007

Dated, this the 18th day of September, 2007

J U D G M E N T

Since learned counsel for the both sides stated that settlement is proposed by petitioners and the Bank is considering the same, this writ petition is closed leaving freedom to the parties to settle the dispute. However, there will be direction to the Bank not to proceed with sale of the property till a decision is taken and until expiry of time granted to the petitioners to make payment.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg